

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3385-2015

Date of decision: September 20, 2017.

Puran Chand

... **Petitioner**

v.

State of Punjab and another

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Shri Peeush Gagneja, Advocate for the petitioner(s).
Shri Dhruv Dayal, Sr. Dy. AG, Punjab.
Shri SPS Sidhu, Advocate for respondent No.2.

A.B. Chaudhari, J. (Oral):

Heard learned Counsel for the rival parties. By way of the present petition, there is a challenge to the order dated 18.11.2014 passed by Judge, Special Court, Ferozepur.

Learned Counsel for the petitioner submits that the learned trial court committed an error in accepting the cancellation report by making the impugned order. He submits that there was ample evidence, however, the investigating agency decided to file the cancellation report. He therefore submitted that the cancellation report should be rejected.

Per contra, Learned Counsel for the State supported the impugned order.

It is not in dispute that earlier on three occasions the Vigilance bureau, after making investigation, had filed the cancellation report before the trial court. Again, the cancellation report was filed by the Vigilance

Bureau before the trial court which came to be accepted by the trial court.

The petitioner who is the complainant has thus grievance about the cancellation report.

In my opinion, the cancellation report having been presented thrice and lastly on the fourth occasion the impugned order having been made, there is no point in repeating the same exercise over and again, particularly because the petitioner has his own remedy in law. The trial court has taken care to say so in the impugned order and in particular paragraph 15. I reproduce the said paragraph as under:-

“15. A perusal of the record depicts that earlier also at least on three occasions the Vigilance Bureau preferred cancellation report, but the same were not agreed to by my learned predecessors and the matter was referred for further investigation. Under these circumstances, it will not be logical for sending back the cancellation report to the competent authority for further investigation. Thus at this stage, the cancellation report sent by the Vigilance Bureau is though accepted but the Bureau is at liberty to get a complaint from the competent authority as provided under Section 195 Cr.P.C. and to initiate the proceedings against the accused as per law. Moreover, the complainant would also be at liberty to take recourse of law for redressal of his grievance, if any.”

I am satisfied that the trial court has taken enough care to protect the interest of the petitioner also. In that view of the matter, I find no merit in the present petition. The petition is therefore dismissed.

September 20, 2017.

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[A.B. Chaudhari]
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No